

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MARIELA CALDERON,**

**Defendant.**

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**Case No. 8:12CR313**

**ORDER**

This case is before the court on the defendant Mariela Calderon's Motion to Compel Production of Exculpatory Evidence (#60). The defendant moves the court for an order requiring the disclosure of exculpatory and impeachment evidence. The government, in its Response to Defendant's Motion to Compel Production of Exculpatory Evidence (#67), notes that it is, "not aware of any exculpatory and/or impeachment evidence separate and apart from discovery material previously provided or made available to the defendant for inspection." The government also notes that it is aware of its discovery obligations and recognizes its obligation to supplement discovery if, and when, additional Rule 16 information becomes available. Based upon the government's response, the Motion to Compel is denied.

It is noted that the government, as in all criminal cases, has a discovery obligation under the Federal Rules of Criminal Procedure and existing case law to make a timely and complete disclosure of certain information. The defendant makes no claim that the government has not complied with its obligation.

**IT IS ORDERED:**

1. The defendant's Motion to Compel Production of Exculpatory Evidence (#60) is denied without hearing.

2. A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

Dated this 4th day of January 2013.

BY THE COURT:

s/ F.A. Gossett, III  
United States Magistrate Judge